IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 15402 of 2006(H)

PETITIONER:

M.ALIBABA, MACHINGAL, A.R.NAGAR,
KOLAPPURAM, TIRURANGADI.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY,
VYDHUTHI BHAVAN, TRIVANDRUM.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, KSEB, MALAPPURAM.

3. ASSISTANT ENGINEER,
ELECTRICAL SECTION, KSEB, TIROORANGADI.

4. DEPUTY CHIEF ENGINEER (ATPS),
KSEB VIGILANCE WING VYDYUTHI BHAVAN,
TRIVANDRUM.

BY ADV. SRI.P. P. THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE MAHAZAR PREPARED BY THE APTS, KOZHIKODE.

EXT.P2 TRUE COPY OF THE APPLICATION MADE BY THE PETITIONER FOR CHANGING THE ORIGINAL CONNECTION.

EXT.P3 TRUE COPY OF THE PETITION FILED BEFORE THE HON'BLE MINISTER FOR ELECTRICITY.

EXT.P4 TRUE COPY OF THE ARGUMENT NOTE.

EXT.P5 TRUE COPY OF THE ORDER DATED 28.1.2006 IS ATPS BV/318/04/KKD 66

EXT.P6 TRUE COPY OF THE BILL ISSUED DATED 26.4.2006 IN RESPECT OF CONSUMER NO. A 6029

EXT.P7 TRUE COPY OF THE BILL ISSUED IN RESPECT OF CONSUMER NO. A 188 DATED 26.4.2006

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

W.P.C. NO. 15402 OF 2006

Dated this the 4th day of October, 2007

JUDGMENT

The petitioner challenges the orders passed by the competent authority imposing demands, including by way of electricity charges under penal provisions. The premises in question was supplied energy under industrial tariff. It appears that the petitioner converted the user to commercial purpose. That conversion is not in dispute. The demand of unauthorised load led to revision of bills, and the appellate authority has revised the penal charges after hearing the parties and revision is for a period of six months, instead of the original demand for one year.

2. The supply to the premises was disconnected on 13.6.2006, going by the counter statement filed on behalf of the third respondent.

3. I do not find any jurisdictional error or legal infirmity in the impugned order by which the Board authorities have concluded that the petitioner is liable to pay the amounts demanded for unauthorised

conversion of user and also on the basis of connected load. Writ Petition fails.

4. It is pointed out that on the basis of interim order dated 15.6.2006 an amount of Rs. 20,000/- was paid.

5. Under such circumstances, this Writ Petition is disposed of, confirming the impugned demand, but directing the respondents not to take any distress action against the petitioner, if the entire outstanding, including all accruals, are remitted in two equal monthly instalments payable on or before 26th October, 2007 and 27th November, 2007, without fail. If the petitioner seeks reconnection or other facilities, the same will stand regulated by rules and procedure and on condition that the entire amounts are remitted.

(THOTTATHIL B. RADHAKRISHNAN)
Judge

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